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10/757,292	01/14/2004	Yutaka Tohgi	0307683 H8058US	4511

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EXAMINER
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ART UNIT	PAPER NUMBER
2139	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/757,292	TOHGI ET AL.
	Examiner	**Art Unit**	
	Harris C. Wang	2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _4/26/2007_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-7_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _14 January 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☒ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _5/29/2007_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-7 are pending

Claim 2 has been cancelled

Claims 1, 3-7 have been amended

Response to Arguments

The Applicant argues that "the combination of Verosub and Yamanaka does not

disclose, teach, or suggest "a contents information storage that stores contents, a

contents management file for managing licenses for the contents, plug-in modules for

executing processes of the contents and a plug-in management file for defining

executable operative functions of the plug-in modules, the contents management file

managing operations according to the contents, and the plug-in management file

managing operative functions according to the plug-in modules. (pg. 7 of Remarks)."

However, the Applicant does not specify specifically what feature is not taught.

The Examiner has already covered all of the above limitations using either

Verosub or Yamanaka. Because the Applicant does not actually provide any details to

support the argument, the Examiner finds the argument to be unpersuasive.

Other than Claim 7, which the Applicant amended to include the plug-in

management file, the Examiner repeats the same rejection as before.

Response to Amendment

Applicant has amended to correct the 101 and 112 second paragraph issues.

Therefore the Examiner withdraws the 112 and 101 rejections.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verosub

(US 2004/0205028) in view of Yamanaka (US 6853960).

Regarding Claims 1-6,

Verosub teaches a contents processing apparatus comprising:

a contents information storage that stores contents, *("Once an encrypted asset is streamed or downloaded to the download manager at the client machine, the download manager stores the encrypted asset to a specified location" Paragraph [0073])*

a contents management file for managing licenses for the contents,

("The asset rights module breaks the machine-bound asset rights into the encrypted asset key and encrypted usage rights and sends [them]...to the output module" Paragraph [0077], Fig. 1, shows that Asset Key 22 and usage Rights 24 are part of the License 26)

and a contents processing execution device that executes processing of the contents to be processed, according to the functions of the modules permitted by said function permission device. *("The digital content store system comprises a unique digital rights management system and a back-end enabling system that controls these digital rights." Paragraph [0021])*

the contents processing apparatus further comprises an update device that updates the plug-in management file. *("As needed the digital content player may interact through the client software, such as to communicate with the server, e.g. to update usage information" Paragraph [0051])*

the contents processing apparatus is connected to an external apparatus via a communication network, and the contents management file is obtained from the external apparatus via the communication network. *("In response to a proper license requrest 176, the fulfillment server 40 sends or streams 178 the license 20 to the client 16. The license 20 comprises both an asset key 22 and usage rights 24 for the asset" Paragraph [0062])*

the contents management file is rewritable and capable of being obtained independently of contents corresponding thereto. (In Fig. 3, in step 174 the server streams the asset down to the Client. In step 178 the server streams the license to the client). The Examiner interprets that if the usage information can be updated as described in Paragraph [0050] the control management file is inherently rewritable.

the contents are inhibited from being used when there is no contents management file corresponding to the contents (Fig. 11, Step 352, If Asset is copied or sent, without license, Asset is not usable).

Verosub however does not explicitly teach

plug-in modules for executing processing of the contents a plug-in setting device that sets plug-in modules corresponding to contents to be processed;

an operation recognition device that recognizes unlimited operations relating to execution of processing of the contents to be processed from the contents management file corresponding to the contents to be processed;

a plug-in function permission device that permits use of functions corresponding to the unlimited operations recognized by said operation recognition device among functions of the plug-in modules set by said plug-in setting device;

contents information storage further stores a plug-in management file for defining executable operative functions of the plug-in modules where the plug-in management file is rewritable;

said plug-in function permission device permits use of the plug-in modules set by

said plug-in setting device according to contents of the plug-in management file;

the contents are inhibited from being processed when there is no plug-in

management file corresponding to the contents.

Yamanaka teaches plug-in modules for executing processing of the contents;

(Plug-In Module **1**, Fig. 7);

a plug-in setting device that sets plug-in modules corresponding to contents to be

processed; an operation recognition device that recognizes unlimited operations

relating to execution of processing of the contents to be processed from the contents

management file corresponding to the contents to be processed;

a plug-in function permission device that permits use of functions corresponding

to the unlimited operations recognized by said operation recognition device among

functions of the plug-in modules set by said plug-in setting device; *("the required plug-in*

*judgement unit **4** judges that the plug-in modules alpha and beta are required, the required*

*plug-in judgement unit **4** notifies this to the plug-in-inside-history management unit **7**. The plug-*

*in-inside-history management unit **7** stores that the plug-in modules alpha and beta are*

required in the present contents history display" Column 14, lines 37-43)

The Examiner interprets the plug-in setting device as the required plug-in

judgement unit and the plug-in function permission device as the plug-in management

unit (Fig. 7).

Yamanaka further teaches that the contents information storage further stores a plug-in management file for defining executable operative functions of the plug-in modules where the plug-in management file is inherently rewritable and inherently capable of being obtained independently of the contents; *("The plug-in download unit 5 downloads a module file concerning a plug-in module necessary for displaying received contents" Column 4, lines 43-46)*

If the plugin management file is used to define the operative functions of the plugin modules, it is inherent that said plug-in function permission device permits use of the plug-in modules set by said plug-in setting device according to contents of the plug-in management file.

It is inherent that the contents are inhibited from being processed when there is no plug-in management file corresponding to the contents. The purpose of the file is to contain "a plug-in module necessary for displaying received contents." Column 4, lines 43-46. Without the file, there is no plug-in module necessary for displaying the contents.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the contents processing apparatus of Verosub with the usage of plug-in modules, a plug-in setting device, a plugin management file, and a plug-in function permission device as taught by Yamanaka.

The motivation to modify is found in Paragraph [0090] of Verosub where Verosub admits that "while some elements of the digital content player are specific to operation within the digital content store system... some elements may be provided through codec plugins." Yamanaka teaches a well known method of dealing with plugins.

Regarding Claim 7,

Verosub teaches a contents processing program executed by a contents processing apparatus comprising:

a contents information storage that stores contents, *("Once an encrypted asset is streamed or downloaded to the download manager at the client machine, the download manager stores the encrypted asset to a specified location" Paragraph [0073])*

a contents management file for managing licenses for the contents,

("The asset rights module breaks the machine-bound asset rights into the encrypted asset key and encrypted usage rights and sends [them]...to the output module" Paragraph [0077], Fig. 1, shows that Asset Key 22 and usage Rights 24 are part of the License 26)

and a contents processing execution device that executes processing of the contents to be processed, according to the functions of the plug-in modules permitted by said plug-in function permission device. *("The digital content store system comprises a unique digital rights management system and a back-end enabling system that controls these digital rights." Paragraph [0021])*

the contents processing apparatus further comprises an update device that

updates the plug-in management file. *("As needed the digital content player may interact*

through the client software, such as to communicate with the server, e.g. to update usage

information" Paragraph [0051])

Verosub however does not explicitly teach

plug-in modules for executing processing of the contents a plug-in setting device

that sets plug-in modules corresponding to contents to be processed; an operation

recognition device that recognizes unlimited operations relating to execution of

processing of the contents to be processed from the contents management file

corresponding to the contents to be processed;

a plug-in function permission device that permits use of functions corresponding

to the unlimited operations recognized by said operation recognition device among

functions of the plug-in modules set by said plug-in setting device;

contents information storage further stores a plug-in management file for defining

executable operative functions of the plug-in modules where the plug-in management

file is rewritable;

said plug-in function permission device permits use of the plug-in modules set by

said plug-in setting device according to contents of the plug-in management file;

the contents are inhibited from being processed when there is no plug-in management

file corresponding to the contents.

Yamanaka teaches plug-in modules for executing processing of the contents; (Plug-In Module 1, Fig. 7);

a plug-in setting device that sets plug-in modules corresponding to contents to be processed; an operation recognition device that recognizes unlimited operations relating to execution of processing of the contents to be processed from the contents management file corresponding to the contents to be processed;

a plug-in function permission device that permits use of functions corresponding to the unlimited operations recognized by said operation recognition device among functions of the plug-in modules set by said plug-in setting device; *("the required plug-in judgement unit 4 judges that the plug-in modules alpha and beta are required, the required plug-in judgement unit 4 notifies this to the plug-in-inside-history management unit 7. The plug-in-inside-history management unit 7 stores that the plug-in modules alpha and beta are required in the present contents history display" Column 14, lines 37-43)*

The Examiner interprets the plug-in setting device as the required plug-in judgement unit and the plug-in function permission device as the plug-in management unit (Fig. 7).

Yamanaka further teaches that the contents information storage further stores a plug-in management file for defining executable operative functions of the plug-in modules where the plug-in management file is inherently rewritable and inherently capable of being obtained independently of the contents; *("The plug-in download unit 5 downloads a module file concerning a plug-in module necessary for displaying received contents" Column 4, lines 43-46)*

If the plugin management file is used to define the operative functions of the plugin modules, it is inherent that said plug-in function permission device permits use of the plug-in modules set by said plug-in setting device according to contents of the plug-in management file.

It is inherent that the contents are inhibited from being processed when there is no plug-in management file corresponding to the contents. The purpose of the file is to contain "a plug-in module necessary for displaying received contents." Column 4, lines 43-46. Without the file, there is no plug-in module necessary for displaying the contents.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the contents processing apparatus of Verosub with the usage of plug-in modules, a plug-in setting device, a plugin management file, and a plug-in function permission device as taught by Yamanaka.

The motivation to modify is found in Paragraph [0090] of Verosub where Verosub admits that "while some elements of the digital content player are specific to operation within the digital content store system... some elements may be provided through codec plugins." Yamanaka teaches a well known method of dealing with plugins.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harris C. Wang whose telephone number is 5712701462. The examiner can normally be reached on M-F 8-5:30, Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AYAZ R. SHEIKH can be reached on (571)272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HCW

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